

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

|                             |   |                      |
|-----------------------------|---|----------------------|
| In the Matter of            | ) |                      |
|                             | ) |                      |
|                             | ) |                      |
| International Settlement    | ) | IB Docket No. 96-261 |
| Rates                       | ) |                      |
|                             | ) |                      |
| Atlantic Tele-Network, Inc. | ) |                      |
| Request for a Waiver of the | ) |                      |
| Benchmark Settlement Rate   | ) |                      |
| On the U.S.-Guyana Route    | ) |                      |

## OPPOSITION OF SPRINT

Sprint Communications Company L.P. ("Sprint") respectfully submits its opposition to the December 17, 2001 Application for Review of the International Bureau's November 16, 2001 decision in the above captioned proceeding filed by Atlantic Tele-Network, Inc. ("ATN").<sup>1</sup>

ATN argues that the Bureau applied an incorrect standard in evaluating ATN's waiver request by relying on two criteria established in the Benchmarks Order<sup>2</sup> instead of the good cause standard established under Section 1.3 of the Commission's Rules. Because this argument was never

<sup>1</sup> Matter of International Settlement Rates; Atlantic Tele-  
Network, Inc. Request for Waiver, IB Docket No. 96-261, DA  
01-2659, released November 16, 2001 ("Order").

<sup>2</sup> International Settlement Rates, 12 FCC Rcd 19806 (1997), recon. 14 FCC Rcd 9256 (1999), *aff'd sub nom.* Cable and Wireless plc v. FCC, 166 F.3<sup>rd</sup> 1224 (D.C. Cir. 1999).

raised before the Bureau, ATN's Application for Review must, under Section 1.115(c) of the Commission's Rules, be dismissed.<sup>3</sup>

Moreover, ATN misreads the Order in arguing that the Bureau applied an incorrect standard in evaluating ATN's waiver request. ATN argues that the Bureau erroneously relied on two criteria in the Benchmarks Order, rather than on the good cause standard of Section 1.3 of the Commission's Rules, in denying ATN's waiver request. Para. 5 of the Order makes clear that the Bureau understood the appropriate standards for granting a waiver. That paragraph says nothing about limits to the Bureau's ability to grant a waiver.

The remainder of ATN's Application for Review is a rehash of its earlier arguments culminating in a request for more time to reach the benchmark rate. Guyana Telephone and Telegraph (GT&T), which ATN has owned and controlled for over ten years, was an active participant in the proceedings leading up to the Benchmark Order. In

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<sup>3</sup> Sprint also opposes ATN's request for a stay the effect of the Order. Under *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977) and *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921 (D.C. Cir. 1958), ATN must satisfy the four part test established under those cases in order to obtain a stay. ATN has not even discussed, let alone attempted to meet, this test.

those proceedings, which began in 1996, GT&T made arguments similar or identical to those it is still making.<sup>4</sup>

The Commission in the Benchmarks Order recognized that "[t]here is no doubt that reform of the international accounting rate system will require many carriers, especially those in developing countries, to make painful adjustments." 12 FCC Rcd at 19878. In response to the concerns expressed by GT&T and others, the Commission established a lengthy transition period to arrive at the benchmark rates.

ATN has provided no good reason why still more time is necessary. Its Petition for Waiver is little more than a late filed Petition for Reconsideration of the Benchmarks Order itself. ATN's Application for Review should therefore be dismissed or denied.

Respectfully submitted,

Sprint Communications Company  
L.P.

By: \_\_\_\_\_

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<sup>4</sup> See, e.g., Benchmarks Order, 12 FCC Rcd at 19873; cf. June 18, 1997 ex parte submission by GT&T in the Benchmarks proceeding with July 6, 2001 ATN Petition for Waiver at C.

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January 2, 2002

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